S.B.Criminal Misc. Bail Application No.5738/2006

(Gokul vs. State of Rajasthan)

Date of order : December 20, 2006

HON'BLE MR.H.R.PANWAR,J.

Mr.R.S.Chundawat, for the petitioner.
Mr.Vishal Raj Mehta, P.P.
Mr.N.K.Rastogi, for the complainant.

Heard learned counsel for the petitioner and the Public Prosecutor for the State assisted by the counsel appearing for the complainant. Perused the order impugned and the statement of the prosecutrix under section 164 Cr.P.C.

The prosecutrix in her statement, recorded by the Judicial Magistrate under section 164 Cr.P.C., has categorically stated that the present petitioner and co-accused Chhagan Lal committed rape on her.

Keeping in view the serious allegation of rape, I do not consider it a fit case to grant the bail to the petitioner. The bail application filed by the petitioner under section 439 Cr.P.C. is, therefore, dismissed. However, the petitioner is at liberty to file a fresh bail application after the statement of the prosecutrix is recorded.

(H.R.PANWAR),J.

m.asif/-